

## The Honorable Thomas J. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY, a Minnesota  
corporation; and ST. PAUL GUARDIAN  
INSURANCE COMPANY, a Minnesota  
corporation,

No. C05-0388TJZ

# HEBERT DEFENDANTS' DISCLOSURE OF EXPERT WITNESSES

## Plaintiffs,

v.

HEBERT CONSTRUCTION, INC., a corporation; MEADOW VALLEY, LLC, a Washington limited liability company; ROGER and SHELLY HEBERT, individually and the marital community thereof; HENRY and KAREN HEBERT, individually and the marital community thereof; ANDRZEJ and ROMA LAWSKI, individually and marital community thereof; JAMES and ANNE KOSSERT, individually and the marital community thereof; and ADMIRAL INSURANCE COMPANY, a Delaware corporation,

## Defendants.

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# STAFFORD FREY COOPER

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1 ADMIRAL INSURANCE COMPANY, a  
 2 Delaware corporation,

3 Third Party Plaintiff,

4 v.

5 SAFECO INSURANCE COMPANY, a  
 6 Washington corporation, AMERICAN  
 7 ECONOMY INSURANCE COMPANY, a  
 Indiana corporation, and JOHN DOE  
 INSURANCE COMPANIES 1-50,

8 \_\_\_\_\_  
 Third Party Defendants.

9 Defendants Hebert Construction, Inc., Meadow Valley, LLC, Roger and Shelly  
 10 Hebert, Henry and Karen Hebert, Andrzej and Roma Lawska, and James and Anne  
 11 Kossert (collectively the "Hebert Defendants") make the following disclosures regarding  
 12 expert witnesses pursuant to Fed.R.Civ.Pro. 26(a)(2) and the court's case management  
 13 order(s). Reports and other materials referred to herein or required to be produced are  
 14 being served on all parties but are not being filed with the court.

15 1. J. Kay Thorne, CPCU  
 Thorne Risk Management Consulting, Inc.  
 16 5818 Central Drive  
 Mukilteo, WA 98275  
 (206) 953-4498

17 Mr. Thorne's expert opinions relate to the allegations of bad faith the Hebert defendants  
 18 have asserted against Admiral Insurance Company, as more fully set forth in his report.

19 2. Richard Kilpatrick  
 Attorney at Law  
 20 9 Lake Bellevue, Suite 210  
 Bellevue, WA 98005  
 (425) 453-8161

22 Mr. Kilpatrick's expert opinions relate to the allegations of bad faith the Hebert  
 23 defendants have asserted against St. Paul Fire & Marine and St. Paul Guardian  
 Insurance Companies, as more fully set forth in his report.

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1       3. Arthur B. Schroeder, P.E., S.E.  
 2       Vice-President, Pacific Engineering Technologies  
 3       1300 Dexter Avenue North, Suite 100  
 4       Seattle, WA 98109  
 5       (206) 281-7500

6       Mr. Schroeder's expert opinions relate to the extent of repairs required to correct  
 7       construction defects identified at Meadow Valley Condominiums, including identification  
 8       of which repairs are necessary to correct resultant damage to tangible physical  
 9       property. In the underlying construction defect lawsuit, Mr. Schroeder conducted an  
 10      investigation involving several site visits and testing of building components. He issued  
 11      several reports summarizing his investigative findings. He developed or participated in  
 12      one or more sets of specifications describing the scope of repairs he and other  
 13      consultants identified as necessary for purposes of obtaining cost estimates or bids  
 14      from repair contractors. His deposition was taken. In addition, Mr. Schroeder is in the  
 15      process of completing a follow-up investigation to identify or confirm additional resultant  
 16      property damage, and to update the specifications for a scope of repair accordingly. Mr.  
 17      Schroeder is expected to issue a supplemental report summarizing the findings of his  
 18      follow-up investigation.

19       4. Peter Saladino  
 20       Vice-President, Charter Construction Company  
 21       980 South Harney Street  
 22       Seattle, WA 98108  
 23       (206) 382-1900

24       Mr. Saladino's expert opinions relate to the cost of repairs Mr. Schroeder has identified  
 25       or will identify as necessary to correct construction defects and/or resultant damage to  
 26       tangible physical property identified at Meadow Valley Condominiums. In the underlying  
 27       construction defect lawsuit, Mr. Saladino prepared one or more repair cost estimates  
 28       based on specifications for scope of repair described in reports of Mr. Schroeder and  
 29       other consultants. His deposition was taken. He provided a declaration in support of  
 30       reasonableness of the settlement entered into between the Hebert Defendants and  
 31       Meadow Valley Condominium Owners Association. In addition, Mr. Saladino is  
 32       coordinating with Mr. Schroeder's follow-up investigation, and he is expected to issue  
 33       an updated repair cost estimate based on current pricing and Mr. Schroeder's updated  
 34       specifications for scope of required repairs.

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41       HEBERT DEFENDANTS' DISCLOSURE OF EXPERT  
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1 DATED this 1<sup>st</sup> day of May, 2006.

2 STAFFORD FREY COOPER

3  
4 By: /s/ via ECF

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6 Kenneth F. Hobbs, WSBA #15309  
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13 [sgrassia@staffordfrey.com](mailto:sgrassia@staffordfrey.com)

14 Attorneys for Hebert Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed copy of this document entitled HEBERT DEFENDANTS' DISCLOSURE OF EXPERT WITNESSES with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

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**Attorney for Third Party Defendants**  
**Safeco Insurance Company and**  
**American Economy Insurance Company**

And I further certify that I have caused to be served via legal messenger a copy of the above-listed document.

DATED this 1st day of May, 2006, at Seattle, Washington.

/s/ Kenneth F. Hobbs via ECF  
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